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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,887	07/23/2003	Ronald D. Halliburton	36871-190617	6758
26694	7590	02/08/2005	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			BOLLINGER, DAVID H	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/624,887	HALLIBURTON ET AL.
	Examiner	Art Unit
	David H Bollinger	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-8, 12 and 15 is/are rejected.
- 7) Claim(s) 9-11, 13, 14 and 16-18 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/18/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 through 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 4, the recitation "conveyor moving arrangement" is indefinite because such language is unduly vague. As a result, it is not clearly understood what structure is intended to be encompassed by such language.

In claim 1 lines 4-5, the recitation "the conveyor" raises ambiguity as to the number of conveyors required by the claims as this recitation appears to require there be only one while line 3 of claim 1 appears to define there may be more than one conveyor.

In claim 2, it is not understood relative to what the conveyor longitudinal axis has an angular orientation.

In claim 12 line 2, the language "the conveyor support plate" lacks antecedent basis as such a support plate has not been positively recited prior to this recitation in claim 12. Accordingly, it is not clearly understood to what element this recitation is referring.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Juillet.
Note the at least one conveyor 15 for transferring articles to a receiving area and the conveyor moving arrangement including a motor 16 for moving the conveyor to a transferring orientation in which operation of the conveyor transfers an article on the conveyor to the receiving area.
5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Joschko.
Joschko discloses a vend mechanism comprising: at least one conveyor 22 for transferring articles to a receiving area 16 and a conveyor moving arrangement 26 for moving the conveyor to a transferring orientation (that being the rotation of the conveyor) to transfer one of the articles along the conveyor for release to the receiving area.
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2 through 8, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joschko in view of Brown.

Joschko discloses a vend mechanism having at least one conveyor comprising a helical element 18 rotatable about an axis parallel to the longitudinal axis of the conveyor by a conveyor operator 26 to release one of the plurality of articles on the conveyor to be received in the receiving area 16.

Joschko fails to disclose the longitudinal axis of the conveyor having an angular orientation and in moving the conveyor by the conveyor moving arrangement the angular orientation of the longitudinal axis changes so as to move through an angle about an axis.

Brown teaches a vend apparatus in which a plurality of article dispensing devices 12 are arranged with an angular orientation for movement through an angle about the axis of shaft 2 in order that an article may be released for transfer to a receiving area 22.

In view of the teachings of Brown, it would have been obvious to one of ordinary skill in the art to provide for an arrangement of the conveyors of Joschko with angular orientation for movement about an axis to position the conveyor above a receiving area for releasing an article for transfer to the receiving area.

Art Unit: 3653

9. Claims 9 through 11, 13, 14 and 16 through 18 appear they would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H Bollinger whose telephone number is 703-308-1113. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David H. Bollinger
David H Bollinger
Primary Examiner
Art Unit 3653 *2/6/05*